



## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-041]

#### **Truck and Bus Tires from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, Rescission of Review in Part, and Intent to Rescind in Part; 2021**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that certain exporters/producers of truck and bus tires from the People's Republic of China (China) received countervailable subsidies during the period of review (POR) from January 1, 2021, through December 31, 2021. In addition, we are rescinding the review with respect to 12 companies and announcing our preliminary intent to rescind this review with respect to three other companies. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Theodore Pearson, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2631.

#### Background

On February 15, 2019, Commerce published in the *Federal Register* the countervailing duty (CVD) order on truck and bus tires from China.<sup>1</sup> On April 12, 2022, Commerce published the notice of initiation of an administrative review of the *Order* for the period January 1, 2021, through December 31, 2021.<sup>2</sup> On May 19, 2022, Commerce selected Qingdao Ge Rui Da

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<sup>1</sup> See *Truck and Bus Tires from the People's Republic of China: Amended Final Determination and Countervailing Duty Order*, 84 FR 4434 (February 15, 2019) (*Order*).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 21619 (April 12, 2022).

Rubber Co., Ltd as the sole mandatory respondent in this administrative review.<sup>3</sup> On October 14, 2022, Commerce exercised its discretion to extend the preliminary results of this administrative review by 120 days, until February 28, 2022.<sup>4</sup>

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.<sup>5</sup> A list of topics discussed in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Scope of the *Order*

The products covered by the *Order* are truck and bus tires. For a complete description of the scope, *see* the Preliminary Decision Memorandum.<sup>6</sup>

#### Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each subsidy program found countervailable, we preliminarily find that there is a subsidy, (*i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific).<sup>7</sup> For a full description of the methodology underlying our conclusions, including our reliance, in part, on adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the

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<sup>3</sup> *See* Memorandum, "Respondent Selection," dated May 19, 2022.

<sup>4</sup> *See* Memorandum, "Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2021," dated October 14, 2022.

<sup>5</sup> *See* Memorandum, "Decision Memorandum for the Preliminary Results of Countervailing Duty Administrative Review, Recission in Part, and Preliminary Intent to Rescind in Part; 2021: Truck and Bus Tires from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>6</sup> *See* Preliminary Decision Memorandum.

<sup>7</sup> *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

## Preliminary Decision Memorandum.

### Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. Commerce received timely-filed withdrawal requests with respect to the following 12 companies: Zhongce Rubber Group Co., Ltd.; Giti Tire (Anhui) Company Ltd., Giti Tire (Fujian) Company Ltd., Giti Tire Global Trading Pte. Ltd.; Weifang Shunfuchang Rubber and Plastic Products Co., Ltd.; Double Coin Group (Jiangsu) Tyre Co., Ltd.; Double Coin Tyre Group (Shanghai) Imp & Exp Co., Ltd.; Qingdao Awesome International Trade Co., Ltd.; Qingdao Fullrun Tyre Corp. Ltd.; Shandong Haohua Tire Co., Ltd.; Shandong Kaixuan Rubber Co., Ltd.; and Shandong Transtone Tyre Co., Ltd., pursuant to 19 CFR 351.213(d)(1).<sup>8</sup> Because the withdrawal requests were timely filed, and no other parties requested a review of these companies, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the *Order* with respect to these 12 companies.

### Intent to Rescind Administrative Review, in Part

It is Commerce's practice to rescind an administrative review of a countervailing duty order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.<sup>9</sup> Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate calculated for the review period.<sup>10</sup> Therefore, for an administrative review of a company to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the calculated countervailing

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<sup>8</sup> See Preliminary Decision Memorandum at "Partial Rescission of Administrative Review."

<sup>9</sup> See, e.g., *Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review; 2015*, 82 FR 14349 (March 20, 2017); and *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017*, 84 FR 14650 (April 11, 2019).

<sup>10</sup> See 19 CFR 351.212(b)(2).

duty assessment rate calculated for the review period.<sup>11</sup> According to the CBP import data on the record, there are three companies, Bridgestone (Shenyang) Tire Co., Ltd., Chongqing Hankook Tire Co., Ltd., and Jiangsu Hankook Tire Co., Ltd., subject to this review that did not have reviewable entries of subject merchandise during the POR for which liquidation is suspended. Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR, we intend to rescind this administrative review with respect to these three companies, in accordance with 19 CFR 351.213(d)(3).<sup>12</sup>

#### Preliminary Rate for Non-Selected Companies Under Review

There are two companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent. The statute and Commerce's regulations do not directly address the establishment of rates to be applied to companies not selected for individual examination where Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides the basis for calculating the all-others rate in an investigation.

Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general rule, to calculate an all-others rate equal to the weighted average of the countervailable subsidy rates established for exporters and/or producers individually examined, excluding any rates that are zero, *de minimis*, or based entirely on facts available. In this review, the preliminary rate calculated for Qingdao Ge Rui Da Tire Company (GRT) the sole mandatory respondent, was not zero, *de minimis*, or based entirely on facts available. Therefore, for the companies for which a review was requested that were not selected as mandatory company respondents, and for which Commerce did not

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<sup>11</sup> See 19 CFR 351.213(d)(3).

<sup>12</sup> The three companies are: Bridgestone (Shenyang) Tire Co., Ltd., Chongqing Hankook Tire Co., Ltd., and Jiangsu Hankook Tire Co., Ltd.

receive a timely request for withdrawal of review, Commerce based the preliminary subsidy rate on the preliminary rate calculated for GRT.

#### Preliminary Results of Review

We preliminarily find the following net countervailable subsidy rates for the period January 1, 2021, through December 31, 2021, are as follows:

<b>Manufacturer/Exporter</b>	<b>Subsidy Rate (percent <i>ad valorem</i>)</b>
Qingdao Ge Rui Da Rubber Co., Ltd. <sup>13</sup>	13.33
<b>Review-Specific Average Rate Applicable to the Following Companies<sup>14</sup></b>	
Joyall (Weihai) Tire Co., Ltd.	13.33
Triangle Tyre Co., Ltd.	13.33

#### Verification

While we did not receive a request for verification party, as provided in section 782(i)(3) of the Act, Commerce intends to verify the part of the information relied upon for its final results. Specifically, Commerce intends to verify usage of the export buyer's credit program as discussed in the Preliminary Decision Memorandum.<sup>15</sup> Commerce intends to notify parties of its verification procedures.

#### Disclosure and Public Comment

We will disclose to parties in this review, the calculations performed for these preliminary results within five days after the date of publication of this notice.<sup>16</sup> Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Commerce will notify interested parties of the deadline for the submission of case briefs. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five

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<sup>13</sup> As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Qingdao Ge Rui Da Tire Company: Cooper Tire (China) Investment Co. Ltd.; Cooper Tire Asia-Pacific (Shanghai) Trading Co., Ltd.; Cooper (Kunshan) Tire Co., Ltd.; Qingdao Yiyuan Investment Co., Ltd.; Goodyear Dalian Tire Company Limited; and Goodyear Tire Management Company (Shanghai) Ltd.

<sup>14</sup> This rate is based on the rate for the respondent that was selected for individual review, excluding rates that are zero, *de minimis*, or based entirely on facts available. See section 735(c)(5)(A) of the Act.

<sup>15</sup> See Preliminary Decision Memorandum at section "Application of FA and AFA: Export Buyer's Credits."

<sup>16</sup> See 19 CFR 351.224(b).

days after the deadline date for case briefs unless otherwise modified by Commerce.<sup>17</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.<sup>18</sup>

Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. An electronically-filed request must be received successfully, and in its entirety, by ACCESS by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice. Hearing requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, parties will be notified of the date and time for the hearing to be determined.

Unless extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the *Federal Register*, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

#### Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respondents listed above on shipments of subject merchandise

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<sup>17</sup> See 19 CFR 351.309(d)(1).

<sup>18</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 29615 (May 18, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. If the rate calculated in the final results is zero or *de minimis*, no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producers/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. For the companies for which this review is rescinded, we will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2021, through December 31, 2021, in accordance with 19 CFR 351.212(c)(1)(i). For the companies remaining in the review, we intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Notification to Interested Parties

These preliminary results and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: February 27, 2023.

**Abdelali Elouaradia,**  
*Deputy Assistant Secretary*  
*for Enforcement and Compliance.*



## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

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[FR Doc. 2023-04436 Filed: 3/2/2023 8:45 am; Publication Date: 3/3/2023]